

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
WDNC Civil Action No. _____

AMY RHINEHART CRAVEN, as
Administratrix of the Estate of
CHRISTOPHER KIMMONS CRAVEN,

Plaintiff,

v.

CHRISTOPHER NOVELLI, individually
and in his official capacity as Officer of the
Mooresville Police Department,
ALEXANDER ARNDT, individually and
in his official capacity as Officer of the
Mooresville Police Department, and the
TOWN OF MOORESVILLE,

Defendants.

**NOTICE OF REMOVAL TO FEDERAL
COURT**

Defendants Christopher Novelli, Alexander Arndt and Town of Mooresville (hereinafter “Defendants”) by and through the undersigned counsel, respectfully remove the above-captioned action from the Superior Court of Iredell County, North Carolina, to the United States District Court for the Western District of North Carolina, pursuant to 28 U.S.C. § 1331, § 1441, § 1446, and §1367.

In support of this *Notice of Removal to Federal Court*, Defendants state as follows:

1. On September 7, 2021, Plaintiff filed a Complaint in the Superior Court of Iredell County, North Carolina, styled *Amy Rhinehardt, as Administratrix of the Estate of Christopher Kimmons Craven v. Christopher Novelli, et al*, which matter was assigned Civil Action No. 21 CVS 2476. The undersigned, on behalf of Defendants, waived service on November 8, 2021.

2. Pursuant to 28 U.S.C. § 1446(b), a copy of all process and pleadings served upon Defendants are attached hereto as **Exhibit A**.

3. This notice is being filed within thirty (30) days of the date of waiver of service of the Summons and Complaint in this case on Defendants; accordingly, this Notice is timely filed pursuant to 28 U.S.C. § 1446(b). Defendants are represented by the undersigned counsel and each Defendant consents to removal.

4. In the Complaint, Plaintiff has alleged various causes of action against Defendants, including a claim of a violation of Mr. Craven's Fourth Amendment rights pursuant to 42 U.S.C. § 1983 and for damages arising under the laws of the United States.

5. Because this is a civil suit for damages arising under the laws of the United States, specifically, the Civil Rights Act of 1871, 42 U.S.C. §§ 1983, this case involves a federal question and federal jurisdiction is therefore founded upon 28 U.S.C. § 1331 and is removable to federal court pursuant to 28 U.S.C. § 1441. Further this Court has supplemental jurisdiction over the state law claim pursuant to 28 U.S.C. § 1367.

6. Based on federal question jurisdiction, Defendants contend that the aforesaid state action may be removed by Defendants pursuant to 28 U.S.C. § 1441. Defendants contend that the United States District Court would be acting within its discretion by exercising supplemental jurisdiction over the remaining state claims, if any, pursuant to 28 U.S.C. § 1367.

7. The United States District Court for the Western District of North Carolina is the District in which the aforementioned state court action is now pending. Therefore, the undersigned hereby removes this action from the aforesaid Superior Court of Iredell County, North Carolina, in which it is now pending, to the United States District Court for the Western District of North Carolina by filing this Notice of Removal.

8. Written notice of filing of this Notice of Removal will be served upon the adverse party in this action as required by law.

9. A copy of this Notice of Removal has been sent for filing with the Clerk of the Superior Court of Iredell County, North Carolina, as shown by the Notice attached hereto as **Exhibit B**.

WHEREFORE, the Defendants Christopher Novelli, Alexander Arndt and Town of Mooresville hereby give notice that this action has been removed from the Superior Court of Iredell County, North Carolina, to the United States District Court for the Western District of North Carolina.

This the 3rd day of December, 2021.

CRANFILL SUMNER LLP

BY: /s/ Patrick H. Flanagan
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing ***Notice of Removal to Federal Court*** with the Clerk of Court using the CM/ECF system and served the same on all of the parties to this cause by depositing a copy hereof, postage prepaid, in the United States Mail, addressed as follows:

J. Alexander Heroy
Jennifer M. Houti
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Attorneys for Plaintiff

This the 3rd day of December, 2021.

CRANFILL SUMNER LLP

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